

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ePLUS Inc.,)	
)	
Plaintiff,)	Civil Action No. 3:09-CV-620 (REP)
)	
v.)	
)	
LAWSON SOFTWARE, INC.,)	
)	
)	
Defendant.)	

DECLARATION OF KENNETH G. FARBER

I, Kenneth G. Farber, declare as follows:

1. I am currently employed by Plaintiff *ePlus*, Inc. as the President of *ePlus* Systems, Inc. ("*ePlus* Systems"), *ePlus* Content Services, Inc. ("*ePlus* Content"), and *ePlus* Document Systems, Inc. ("*ePlus* Document Systems").

2. I provide this Declaration in connection with *ePlus*'s Opposition to Defendant Lawson Software, Inc.'s Motion to Compel Plaintiff's Total Revenues From Sales of Procure+, Content+, and Related Services ("Motion to Compel").

3. In my current role, I am responsible for the daily operations, development, sales, client support, and strategic product planning for *ePlus* Systems, *ePlus* Content, and *ePlus* Document Systems. *ePlus* Systems and *ePlus* Content are the business units responsible for the development, marketing, and sales of *ePlus*'s supply-chain management and electronic procurement software and systems.

4. *ePlus* develops and sells two main systems that I understand embody the patented technology – Content⁺ and Procure⁺.

5. I have reviewed Defendant's Motion to Compel, and I understand that it requests that the Court compel *ePlus* to disclose the specific revenues generated by the sale or license of the *ePlus* products that practice the patents in suit — Procure+ and Content+ — and the revenues generated by servicing those products. Def's Br. at 1. Specifically, Defendant seeks an order compelling *ePlus* to disclose "annual license and service revenues associated with" Content+ and Procure+. *Id.* at 5-6. Defendant's Motion to Compel contends that *ePlus* "provides no supporting documents specific to those products." *Id.*

6. Defendant acknowledges that *ePlus* produced "trial exhibit DX-292," which is attached to the Motion to Compel as Exhibit F. However, Defendant contends that while the document "aggregates revenues generated from sales of [the *ePlus* Systems and *ePlus* Content Services Divisions]," it must also include revenues from sales of several products other than Procure+ and Content+. Def's Br. at 2-4.

7. With one exception that I will explain, Defendant's supposition is inaccurate. The "Sales of Equipment" line item on the Income Statement for *ePlus* Systems, which line item is mentioned on page 3 of Defendant's Motion to Compel, reflects fees from a license that *ePlus* had to a software package which was used to support *ePlus*'s procurement solution. The license fee paid by *ePlus* was passed on to *ePlus*'s Procure+ and Content+ customers and was tracked under that "Sales of Equipment" line item. While *ePlus* has discontinued its use of this software, some customers may not have upgraded their procurement system (which *ePlus* may maintain), and therefore residual amounts of the fees passed on to those customers continue to show over the past few years. *See* DX-292 (Income Statement – *ePlus* Systems, line item "Sales of equipment").

8. With the exception noted above, it is also incorrect that DX-292 must include revenues for other products. Revenues for *ePlus* products other than Procure+ and Content+, some of which are sold through different divisions, are reported on different income statements. As examples, sales of *ePlus*'s Asset Management product are tracked under a different income statement for *ePlus* Technology Inc. Sales of *ePlus*'s Document Management product are tracked under a different income statement for *ePlus* Document Systems. Sales of *ePlus*'s OneSource product also are tracked under a different income statement for *ePlus* Technology Inc.

9. Defendant's supposition that DX-292 does not include related services revenues is also inaccurate. The income statements for *ePlus* Systems and *ePlus* Content in DX-292 include the annual revenues from licenses, maintenance, and implementation of Procure+ and Content+.

I declare under penalty of perjury that the foregoing is true and correct. Executed at

Brock, NJ, this 27 day of February, 2011.


Kenneth G. Farber